

REMARKS

Claims 1-37 are pending in this application. In an Office Action dated December 21, 2006 ("OA"), the Examiner rejected claims 1-37. In this response, Applicants amend claims 1, 2, 8, 13, 14, 20, 25, 26, 32, and 37 for purposes of only overcoming the objections, the § 112 rejections, and the § 101 rejections. These amendments are not for the purposes of overcoming the cited prior art. Applicants respectfully traverse the rejection and request reconsideration of the rejected claims based on the following remarks.

In addition, Applicants do not automatically agree with or acquiesce to the Examiner's characterization of the claims or the prior art, even if those characterizations are not addressed herein.

Claim Objections

The Examiner objected to claims 2, 14, and 26 because these claims are allegedly ambiguous. In this response, Applicants amend these claims to overcome the Examiner's objection. Amended claim 2 recites "the first data object and the second data object are processed according to **a reaction, dependent on the consistency check operation, stored within** the first data object, the second data object, or the copy of the first data object" (emphasis added). In other words, Applicants respectfully submit that this amendment clarifies that the reaction depends on the consistency check and the reaction is stored within the first data object, the second data object, or the copy of the first data object. Like the amendment to claim 2, claims 14 and 26 are amended in a similar manner. Therefore, Applicants respectfully request that the Examiner withdraws the objection.

Claim Rejections - 35 U.S.C § 112

The Examiner rejected claims 8, 20, and 32 under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner stated that the term “the compared data package” fails to specify if the package is from the first data object or the package sent by a second system. In this response, Applicants amend these claims to clarify the language at issue. Thus, Applicants respectfully request that the Examiner withdraws the rejection

Claim Rejections - 35 U.S.C § 101

The Examiner rejected claims 1-7, 13-19, 25-31, and 37 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. According to the Examiner, “comparing data packages of two data objects by [itself] does not ensure any useful, tangible, and concrete result.” *OA* at page 5. In this response, Applicants amend claim 1 by including the following limitations:

determining, based on the comparison, whether to merge the at least one data package of the first data object and the at least one data package of the copy of the first data object; and

merging the data packages based on the determination.

Claims 13, 25, and 37 provide similar limitations. As noted by the Examiner, “[e]xample elements for producing useful, tangible, and concrete result include manipulation of data....” *Id.* Because these claims now provide limitations for manipulating the data, Applicants respectfully request that the Examiner withdraws the non-statutory rejection.

Non-Statutory Double Patenting

The Examiner rejected claims 1, 9-13, 21-25, and 33-36 as being unpatentable on the grounds of non-statutory obviousness-type double patenting over claims 1-3 and 15-17 of U.S. Patent No. 7,092,973. Although Applicants submit that the claims are patentably distinct, Applicants hereby submit a terminal disclaimer in compliance with 37 CFR 1.321(a) and (b) to overcome the double patenting rejection.

Claim Rejections - 35 U.S.C § 103

To establish a prima facie case of obviousness under § 103(a), MPEP § 2142 requires that (1) the prior art reference must teach or suggest all claimed limitations, (2) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference, and (3) there must be a reasonable expectation of success.

Claims 1, 5, 9-10, 13, 17, 21-22, 25, 29, 33-34, and 37

The Examiner rejected claims 1, 5, 9-10, 13, 17, 21-22, 25, 29, 33-34, and 37 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,892,210 ("Erickson"). Applicants respectfully traverse the rejection.

Claim 1 recites "comparing at least one data package of the first data object with at least one data package of the copy of the first data object sent by the second system using a consistency check operation stored within the first data object, the second data object, or the copy of the first data object" (emphasis added). Independent claims 13, 25, and 37 provide similar language.

According to the Examiner, Erickson provides "comparing at least data package of the first data object with at least one data package of the copy of the first data object

sent by the second system' (See col. 19, lines 55-65 where col. 19, lines 55-65 where the match between fields lists of sync object and the list contained in receive sync profile is determined.).” OA at page 11. Referring to this cited portion and the rest of Erickson, Erickson describes a Sync Object Processor 14 subprogram that resolves any conflict that may have arisen due to a change in the Sync Record. Erickson at col. 10, lines 39-45 [10:39-45]. This Sync Object Processor 14 is part of the Sync Agent 1, which is provided to a plurality of computers who desire to share and manage specific records within a plurality of databases. *Id.* at FIGS. 1A-B and 4:58-65. In other words, the Sync Agent 1, along with the Sync Object Processor 14, are provided to the plurality of computers before any data is transferred.

The Examiner then states that “Erickson does not explicitly teach that the determination is done by using ‘a consistency check operation stored within the first data object, the second data object, or the copy of the first data object. However, Erickson does teach providing for more efficient communication and greater control of data consistency while sharing flexibility and scalability of a peer-to-peer architecture. ... It would have been obvious to one of ordinary skill in the art at the time [the] invention was made to implement a consistency check operation stored within a data object” OA at page 11. This statement completely contradicts the purpose of Erickson’s Sync Agent 1 and Sync Object Processor 14 because the Sync Object Processor 14 resolves conflicts due to changes. Erickson does not need to provide another consistency check operation stored in data objects when it already provides the subprogram Sync Object Processor 14, stored on the computer beforehand, that performs the consistency checks. Because of this inconsistency, Applicants respectfully submit that one of

ordinary skill in the art would not be motivated to implement a consistency check operation stored within a data object because Erickson includes the Sync Object Processor 14 already providing the consistency check. Therefore, Applicants respectfully request that the Examiner withdraws the obviousness rejections of claims 1, 13, 25, and 37.

Claims 5, 9-10, 17, 21-22, 29, and 33-34 depend on one of claims 1, 13, and 25 and are patentable for at least the same reasons as claims 1, 13, and 25.

Claims 2-4, 6-8, 11, 12, 14-16, 18-20, 23, 24, 26-28, 30-32, 35, and 36

The Examiner rejected claims 2-4, 6-8, 11, 12, 14-16, 18-20, 23, 24, 26-28, 30-32, 35, and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Erickson in view of U.S. Patent No. 6,918,006 (“Archibald”). Applicants respectfully traverse the rejection.

Claims 2-4, 6-8, 11, 12, 14-16, 18-20, 23, 24, 26-28, 30-32, 35, and 36 depend on one of independent claims 1, 13, and 25. Claim 1 recites “comparing at least one data package of the first data object with at least one data package of the copy of the first data object sent by the second system using a consistency check operation stored within the first data object, the second data object, or the copy of the first data object” (emphasis added). Independent claims 13 and 25 provide similar language. As stated above, one of ordinary skill in the art would not be motivated to implement a consistency check operation in Erickson by storing them in a data object. Archibald fails to overcome Erickson’s deficiencies of claim 1, 13, and 25. Because claims 2-4, 6-8, 11, 12, 14-16, 18-20, 23, 24, 26-28, 30-32, 35, and 36 depend on claims 1, 13, and 25,

Applicants respectfully submit that claims 2-4, 6-8, 11, 12, 14-16, 18-20, 23, 24, 26-28, 30-32, 35, and 36 are patentable for at least the same reasons as claims 1, 13, and 25.

REMARKS


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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